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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,890	02/14/2002	James Thomas Edward McDonnell	30006988-2	6727

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EXAMINER

KOVALICK, VINCENT E

ART UNIT PAPER NUMBER

2677

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,890

Applicant(s)

MCDONNELL ET AL

Examiner

Vincent E. Kovalick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-9 and 11-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-9, 11-13 and 15 is/are rejected.
- 7) ☒ Claim(s) 14 and 16-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to Applicant's Amendment dated August 24, 2005 in response to USPTO Office Action dated June 1, 2005.

The amendments to the specification have been noted and entered in the record.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 5-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahley et al. (USP 6,501,463) taken with Berstis (6,198,996).

Relative to claims 2 and 11, Dahley et al. **teaches** an electronic whiteboard system using a tactile foam sensor (col. 2, lines 47-67 and col. 3, lines 1-20); Dahley et al. further **teaches** an electronic whiteboard comprising: a surface for recording images; a data store for storing images which are recorded on the surface, wherein the data store has a presence on a network via a network location; and a communication system for communicating to individuals or computing devices within its locality the network location of the data store (col. 3, lines 62-67; col. 4, lines 1-6 and 39-52; Abstract and Fig. 1).

Dahley **does not teach** the said communication system comprises a beacon for emitting a signal from which the network location associated with the data store can be derived.

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Berstis **teaches** a computer controlled tracking system (col. 1, lines 46-63); Berstis further **teaches** a communication system comprises a beacon for emitting a signal from which the network location associated with the data store can be derived (col. 8, lines 19-26).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Dahley the feature as taught by Berstis in order to put in place the means to locate the beacon source in a system network.

Regarding claim 5, Dahley et al. further **teaches** said electronic whiteboard wherein the data store has a presence on the network via a remote server which forms a gateway between the network and the data store and the remote server has a presence on the network via a network location (col. 4, lines 23-35 and Fig. 1).

As to claim 6, Dahley et al. **teaches** said whiteboard further comprising a network serve having a network location for providing access to the data store via the network (col. 4, lines 23-35 and Fig. 1).

Regarding claims 7 and 8, Dahley et al. **teaches** said whiteboard wherein the data store stores images recorded on the whiteboard periodically, and wherein the data store stores images recorded on the whiteboard in real time (col. 4, lines 29-52).

Relative to claim 9, Dahley et al. **teaches** said whiteboard wherein the network location is a URL (col. 10, lines 32-35 and col. 11, lines 4-20).

4. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahley et al as applied to claims 2 and 11 respectively in item 3 hereinabove, and further in view of Nakamura et al. (USP 5,969,641).

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Relative to claims 3 and 12, Dahley et al. **does not teach** an electronic whiteboard wherein the beacon is an infrared beacon.

Nakamura et al. **teaches** a vehicle identification system (col. 1, lines 41-67 and col. 2, lines 1-17); Nakamura et al. further **teaches** an identification system wherein the beacon is an infrared beacon (col. 1, lines 15-25).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Dahley et al. the feature as taught by Nakamura et al. in order to incorporate in the communication system an optical signal to avoid the problem of interference with other communication systems.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahley et al. taken with Berstis as applied to claim 2 in item 3 hereinabove and further in view of Nielsen (USP 6,373,502).

Regarding claim 4, Dahley et al. taken with Berstis **does not teach** said whiteboard wherein the communication system comprises an electronic tag from which the network location associated with the data store can be derived.

Nielsen **teaches** a system for facilitating display of information to a computer user (col. 1, lines 35-67 and col. 2, lines 1-32); Nielsen further **teaches** said electronic whiteboard wherein the communication system comprises an electronic tag from which the network location associated with the data store can be derived (col. 5, lines 43-45).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Dahley et al. taken with Berstis the feature as taught by

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Nielsen in order to facilitate a reference tag for accessing the proper network chain to obtain a desired data storage location.

6. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahley et al. taken with Berstis in view of Nielsen as applied to claim 4 in item 5 and claim 10 in item 3 respectively hereinabove, and further in view of Richley et al. (USP 6,542,083) taken with Hudetz et al. (USP 6,199,048).

Regarding claims 13 and 15, Dahley et al. taken Berstis in view of Nielsen **does not teach** an electronic whiteboard comprising: a bar code that is physically located on an exterior surface of the said electronic whiteboard, wherein the electronic tag is included in the bar code that is scannable by a bar code scanner in order to obtain the electronic tag by a user within the locality of the electronic whiteboard.

Richley et al. **teaches** an electronic tag position detection (col. 1, lines 14-67 and col. 2, lines 1-59); Richley et al. further **teaches** said electronic whiteboard comprising a bar code that is physically located on an external surface of the electronic whiteboard (col. 1, lines 14-18 and col. 4, lines 59-63).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Dahley et al. taken with Berstis in view of Nielsen the feature as taught by Richley et al. in order to facilitate being able to scan a bar code for information related to the whiteboard.

Dahley et al. taken Berstis in view of Nielsen and further in view of Richley et al. **does not teach** wherein the electronic tag is included in the bar code that is scannable by a bar code

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scanner in order to obtain the electronic tag by a user within the locality of the electronic whiteboard.

Hudetz et al. **teaches** automatic access of a remote computer over a network (col. 3, lines 16-67 and col. 4, lines 1-31); Hudetz et al. further **teaches** the electronic tag being included in the bar code that is scannable by a bar code scanner in order to obtain the electronic tag by a user within the locality of the electronic whiteboard (col. 2, lines 53-67).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Dahley et al. taken with Berstis in view of Nielsen and further in view of Richley et al. the feature as taught by Hudetz et al. in order to put in place means for obtaining network location information, in turn being able to access data corresponding to the images being displayed on the said whiteboard.

Allowable Subject Matter

7. Claims 14 and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Relative to claim 14 and 16, the major difference between the teachings of the prior art of record (USP 6,501,463, Dahley et al. ; USP 6,373,502, Nielsen; and USP 6,542,083, Richley et al.) and that of the instant invention is that said prior art of record **does not teach** the said electronic whiteboard wherein the signal output by the beacon includes the network location associated with the data store, and a data file name that corresponds to a particular data file of the date store

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in which images provided to the surface of the electronic whiteboard are currently being recorded.

Regarding claim 17, the major difference between the teachings of the said prior art of record and that of the instant invention is that said prior art of record **does not teach** the said electronic whiteboard wherein data store can only be accessed via a network connection to the data store by way of a network, and by utilizing the network location of the data store to obtain information from the data store over the network.

Regarding claim 18, the major difference between the teachings of the said prior art of record and that of the instant invention is that said prior art of record **does not teach** the said electronic whiteboard wherein the data file name further includes information regarding a date and time when the images stored in the data file were written onto the surface of the electronic whiteboard.

Response to Applicant's Remarks

8. Relative to Applicant's Remarks, this second non-final rejection is necessitated by the introduction of additional prior art relative to the rejection of claims 2, 3, 11 and 12.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No.	6,513,069	Abato et al.
U. S. Patent No.	5,894,306	Ichimura
U. S. Patent No.	5,926,605	Ichimura
U. S. Patent No.	5,790,114	Geaghan et al.


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To Respond

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent E. Kovalick whose telephone number is 571-272-7669. The examiner can normally be reached on Monday-Thursday 7:30- 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Vincent E. Kovalick
November 29, 2005

AMR A. AWAD
PRIMARY EXAMINER
